

A

REVIEW OF THE STATE OF THE BRITISH NATION.

Saturday, December 24. 1709.

IN the late Accounts I have given of the pretended Persecutions in *Scotland*, it has been very natural, in order to clear up the Reputation of the present Government there, from the Scandal of Persecution, to enter a little into the Treatment, which as well the Civil as Ecclesiastick Government in *Scotland*, meets with from that Party; and in doing this, besides Cases relating to particular Persons, it is necessary to observe, what may be call'd a new Plot against the Life, Foundation, and most essential Branch of the Constitution of the Church of *Scotland*, *I mean*, as it respects its Civil Rights and Jurisdiction.

This is a new Method just now taken up in *Scotland*, to APPEAL upon every Occa-

sion of Process, from the Church Judges to the Queen and Parliament; the Absurdity of which, its particular Weakness and its Inconsistency, either with the Laws, or with the Nature of the Thing call'd an APPEAL, is so obvious, that I cannot but wonder to see, that any People in either Nation should be so much as amur'd with it.

I am not going to lessen the Authority of a *British* Parliament, and it's well known, that a *British* Parliament will not seek to extend that Authority beyond its known and due Bounds; and therefore I shall examine this Matter, tho' a very nice One, with the more Freedom.

And

And First, to begin with the Matter of *Faith*, I shall state the Thing I object against, as it is now put in Practice in *Scotland*, upon the Occasion of the *Episcopal* Ministers and Heretors being cited and summon'd, as Occasion requires, before the respective *Judicatories* of the *Church of Scotland*. When a Person in these Circumstances is cited to appear, whether it be before the *Kirk-Session*, *Presbytery*, or *Synod*, he gives or sends in what they call a *Declination*, and, which in *England* we would call a *Defiance* of their *Authority*; tells them, their *Power* is not competent, that they are none of his *Judges*, and that therefore he refuses to answer to such Things as they lay to his *Charge*, and concludes in the first Person in these Words, and therefore I appeal from You to the Queen and British *Parliament*.

Then, as if this was sufficient to stop their Mouths, and tye their Hands, they go on with their *Invasions*, *Intrusions*, and *Innovations*, as if the Words, I appeal from You, &c. were sufficient to put a full Stop to all the Methods of *Justice*, and *Proceedings* in any of the Ecclesiastick Courts whatsover, tho' at the same time no such *Appeal* is, or, I think, can be receiv'd or lodg'd in the *House of Peers*: This has been exactly the Case of Mr. *Skinner* of *Breckin*, *Hedewig* of *Aberdeen*, and others, who ride upon the Back of the *Church Judicatories*, think they lash them with this *Whip*, and in Spight of their *Power* keep Possession by *Force*, and insult both them and the *Laws of Scotland*; the one maintaining his *Intrusion* into a *Parish-Church*, *Maule*, *Glebe*, *Stipend*, &c. tho' depos'd by the *Synod*; and the other the *Common prayer*, with *Organs*, never before known in *Scotland*, in the *Chapel* of the *Colledge* of *Aberdeen*. Now, to defie Courts of *Justice*, to decline Powers establish'd by *Parliament*, to keep wrongful Possession of other Mens Rights, and erect a *Worship* unknown in the Country, tho' they are in themselves unaccountable, yet I shall take no Notice of them here; but to do all this, and yet appeal to the *Parliament*, by whom these Courts are establish'd, and the Queen, by whom that Establishment is supported, is

the greatest Piece of Assurance, to say no worse of it, that can be shown in our *Age*.

And First, to speak of the *Courts* from whence they appeal; it is evident, they are all establish'd by *Parliament*. For Example, in the 5th *Act* of the 1st *Parliament* of *William and Mary*, it is Enacted, " That the Government of the *Church*, by *Kirk-Session*, *Presbyteries*, and *Assemblies*, be and is thereby establish'd to be the *ONLY Lawful Government* of the *Church* in all Times coming, and declaring the *Church Government* to be establish'd in the Hands of the *Presbyterian* Ministers, restor'd by the 2d *Act* of the same *Parliament*; and by them, and such *Ministers* or *Elders* *ONLY*, as they had then admitted or receiv'd, or should thereafter admit or receive, Ratifying and Establishing the 114th *Act* of the 12 *Parliament*, *Jac. 6. Anno 1592.* Entitl'd, *The Ratification of the Liberty of the true Kirk*, and confirming the *Sentences*, whether of *Suspension* or *Deposition*, which shall be pronounced by the said *Judicatories*." Thus it is evident, the present *Judicatories* of the *Church of Scotland* are establish'd by *Parliament*; and therefore to decline or deny their *Authority*, is to deny the *Authority* of that *Parliament* which constituted them.

If they had appeal'd from the *Proceedings* of any of these *Judicatories*, as inconsistent with their own *Authority*, or against the *Sentence* of the said *Judicatories*, as *Exorbitant* or *Illegal*, the Case had differ'd; and of that Kind of *Appealing* I shall speak by it self: But to appeal from the *Jurisdiction*, is to appeal from the *Jurisdiction* of *Parliament*, by whom they were establish'd; and to call this *Appealing*, is to talk *Nonsense*, since it is but *Appealing* from *Parliament* to *Parliament*.

As for the *Pretence*, that the *Judicatories* of the *Church* are not *Judges* competent over the *Episcopal* *Ministers*, this is also directly against the 5th *Act* of the 5th *Parliament* of *William and Mary*, Entitl'd, *An Act Ratifying the Confession of Faith*, &c. by which it is expressly declar'd otherwise: " And further it is hereby provided, That whatsoever Minister being conven'd before the said General Meeting and Representatives

" presentatives

" presentatives of the *Presbyterian* Ministers and Elders, or the Visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore certified, whether by Suspension or Deposition, they shall be *Ipso facto* suspended from, or depriv'd of their Stipends and Benefices." By all these Quotations it appears, that the Power of the Judicatories

of the Church of *Scotland* is settled and establish'd by Law, nor can it be legally declin'd or disown'd by any Minister, that pretends to exercise the Ministerial Office in that Part of *Britain*, much less by any of those who possess and enjoy the Churches, Manses, and Stipends thereof.

I shall further examine this Article in my next.

MISCELLANEA.

I lately gave you some Paradoxes as a Specimen of this wonderful Age; I promis'd you some nearer home, I am coming to them gradually, and indeed our Age is full of them at home, as well as abroad. In *Trade*, in *Politicks*, in *Parties*, in *Peace*, in *War*, in every Thing that is before you; Riddles and *Ænigma's* throng on the Heels of one another— Who can unfold them? But you must allow me to go back a little at first.

1. *Here are a Sort of Folk earnest to keep out Foreigners, that Want of People may enrich us.*

2. *Here is Industry a-la-mode illustrated, by neglecting to improve our Lands our selves, and refusing to let others do it for us.*

3. *Here is True-Born-English Good Nature exemplify'd— By insulting Strangers when they come to settle among us, because We or our Ancestors were never Strangers here—and never got Footing here a-la-mode Invaders and Refugees.*

4. *Here we have a new Method of securing the Trade to *Africa*, by letting the French take our Factories there—while we are falling out about the main Question, Whether they are worth keeping or no?*

5. *Here is English Humanity abundantly visible, in the several A&S against Bankrupts, and especially that of *Escape-Warrants*, by which about 230 People have, they say, been put to Death in *England*, within these six Years, BY IMMURING, a more*

barbarous Execution, than that of General *PATKUL*.

6. *Here is a new fashion'd Care of Souls, by denying poor Debtors the Liberty of going to Church, by appointing the Murthering-Warrants to be executed on the Lord's Day— A Day in all Ages allow'd to give poor miserable Bankrupts Liberty to worship G O D in, that the Duty of the Day might be without Distraction; a Cruelty particular to this Age.*

7. *Priviledg'd Places suppress'd; (Viz.) The Mint, Rules, and Fryars, &c. and the CHURCH all laid open to Arrests, while the QUEEN's Palace, and the Lawyers Chambers, remain Sanctuaries; since it cannot be so necessary to Men in Debt to serve GOD, as to other People.*

8. *Here we have Occasional condemn'd, that stated Conformity may be refus'd— And these People blaming the *Dissenters* for coming to Church, but in part, who would think themselves ruin'd, if they should come for altogether.*

9. *Here is Religion prostituted, a Paradox farther to be understood, by reading the Act for the Sacramental Test.*

10. *High-Church of *England* Equivalent— refusing to admit *Presbyterians* to Places in *England*, unless they conform to communicate with the Church— But railing at the Scots, because they refuse the Church of *England*-Men there, to set up a Dissenting Meeting-House for the Common-Prayer.*